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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,787	07/31/2000	James Eric Wilson	11887RRUS01U	4860

7590

01/30/2003

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EXAMINER

NGUYEN, HUY D

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/629,787

Applicant(s)

WILSON ET AL.

Examiner

Huy D Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-24 is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Chawla et al.(U.S. Patent No. 6,496,700).

Regarding claims 1 & 5, Chawla et al. disclose a method for determining cell/sector isolation values: base stations 5-15 transmit test signals at respective beacon frequencies to provide the reference signals for the RSS measurements taken by the wireless terminals 40. The beacon frequencies employed by the base station 5-15 are frequencies not used by other base stations in the vicinity. RSS measurement data is collected by wireless terminals 40 based on signals transmitted by the respective base stations 5-15. Such collected data can then be transmitted to at least one of the base stations 5-15 (see FIG. 3; Col. 6, lines 5-8; 24-31).

*Allowable Subject Matter*

2. Claims 2-4, 6-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claims 2 & 3, the cited prior art fails to teach the method further comprises disabling adjacent channels in some neighboring and broadcast cells/sectors.

Regarding claim 4, the cited prior art fails to teach the method further comprises normalizing a measured strength of the broadcast channel to produce a normalized broadcast channel signal strength; calculating a cell/sector pair radio frequency isolation value using the normalized broadcast channel signal strength and a measured strength of the serving traffic channel.

Regarding claims 6-7, the cited prior art fails to teach method of directing a plurality of mobile stations operating within the cellular wireless communication system to measure the strength of the broadcast channel and to measure the strength of respective serving traffic channels further comprises issuing a mobile assisted handoff message and a mobile assisted channel assignment message to the plurality of mobile stations.

Regarding claim 8, the cited prior art fails to teach method of directing a plurality of mobile stations operating within the cellular wireless communication system to measure the strength of the broadcast channel and to measure the strength of respective serving traffic channels includes limiting such direction to mobile stations operating within a distance of the broadcast cell/sector.

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Claim 9 is allowed. The following is an examiner's statement of reasons for allowance:

The cited prior art fails to disclose a system-engineering server operating in conjunction with a cellular wireless communication system, the system-engineering server comprising:

a processor; 5 memory coupled to the processor; an interface coupled to the processor that allows the system-engineering system server to interact with the cellular wireless communication system; and the memory storing a plurality of instructions to implement the method of determining cell/sector isolation values.

Claims 10-16 are dependent on claim 9. Therefore, they are allowable.

Claim 17 is allowed. The following is an examiner's statement of reasons for allowance:

The cited prior art fails to disclose a computer readable medium that stores a plurality of software instructions that, when executed by a computer interfacing with a cellular wireless communication system, causes the cellular wireless communication system to determining cell/sector pair radio frequency isolation.

Claims 18-24 are dependent on claim 17. Therefore, they are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Anderson et al. (U.S. Patent No. 5,594,949) teach mobile assisted channel allocation.
- Schramm et al. (U.S. Patent No. US 2001/0046879 A1) teach cell selection in mobile radio systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-6750.

HN  
January 17, 2003

  
1/27/03  
